

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

KAYE SCHOLER LLP  
425 Park Avenue  
New York, New York 10022-3598  
Lester M. Kirshenbaum (lkirshenbaum@kayescholer.com)

*Counsel to Plan Committee of MarketXT Holdings Corp. / Appellee*

-----	:	
	:	
EMPYREAN INVESTMENT FUND, LP,	:	
EMPYREAN GENERAL PARTNER, LLC, ASH	:	
MASTER FUND II, LLC, ASH MASTER FUND,	:	
LP, ASH FUND, LP, f/k/a ASH CAPITAL	:	
MANAGEMENT. ASH GENERAL PARTNER,	:	
LLC, ASH OFFSHORE FUND, LTD, ASH	:	
GENERAL PARTNER OFFSHORE, LTD, et al.	:	
Appellants	:	Docket No. 08-cv-06938
	:	
v.	:	
ALAN NISSELSON AND OFFICIAL	:	
COMMITTEE OF UNSECURED CREDITORS,	:	
Appellees	:	
-----	:	

**NOTICE OF APPEARANCE OF COUNSEL**

PLEASE TAKE NOTICE, that the undersigned hereby appears as counsel for the Appellees, as of the date hereof and requests service of all notices and documents herein upon:

KAYE SCHOLER LLP  
425 Park Avenue  
New York, New York 10022-3598  
Lester M. Kirshenbaum  
Margarita Y. Ginzburg  
Dina S. Rovner

Email: lkirshenbaum@kayescholer.com  
mginzburg@kayescholer.com  
drovner@kayescholer.com

Dated: New York, New York  
August 18, 2008

Respectfully submitted,  
KAYE SCHOLER LLP

By: s/ Lester M. Kirshenbaum  
Lester M. Kirshenbaum  
(lkirshenbaum@kayescholer.com)  
425 Park Avenue  
New York, New York 10022  
Telephone: (212) 836-8000  
Facsimile: (212) 836-6708  
*Attorneys for the Plan Committee/Appellee*

*Certificate of Service*

I, Willie Nunez, hereby certify that on this the 18th day of August 2008, I caused a true copy of the foregoing *Notice of Appearance*, to be served electronically upon all parties with ECF for this matter.

/s/ Willie Nunez  
Willie Nunez